

**Notice of Allowability**

Application No.

10/654,973

Examiner

Roger L. Pang

Applicant(s)

TASHIRO, TSUTOMU

Art Unit

3681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on March 9, 2006.
2. ☒ The allowed claim(s) is/are 5-19,21,24-42 and 44-84.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

The following action is in response to the RCE filed for application 10/654,973 on March 9, 2006.

#### ***Election/Restrictions***

Claim 30 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claim 18, directed to the species of Transmission 2 is no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

#### ***Allowable Subject Matter***

Claims 5-19, 21, 24-42, and 44-84 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record fails to show or render obvious the apparatus for controlling a joint force of a friction-joint component placed in a torque transmitting mechanism as claimed, and particularly including a calculating unit configured to estimate or detect an actually transmitted torque capacity set to the torque transmitting mechanism; wherein the guideline producing unit is configured to produce

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the second target operation guideline on the basis of the actually transmitted torque capacity, and including the remaining controls and structure of claims 30, 78, and 81, respectively. The present invention also particularly includes a calculating unit configured to estimate a maximum torque to be applied to the torque transmitting mechanism as the inputted torque; wherein the guideline producing unit is configured to produce the first target operation guideline indicative of the transmitted torque capacity larger than the maximum torque applied to the torque transmitting mechanism, and including the remaining controls and structure of claims 31, 79, and 82, respectively. The present invention also particularly includes a unit configured to estimate a joint condition of the friction-joint component; raising the transmitted torque capacity given to the torque transmitting mechanism in cases where the estimation unit estimates that the joint condition of the friction-joint component is improper, and including the remaining controls and structure of claims 48, 80 and 83, respectively. The present invention also particularly includes acquiring an actually transmitted torque capacity set to the torque transmitting mechanism, producing the second target operation guideline on the basis of the actually transmitted torque, and including the remaining controls and structure of claim 68. The present invention also particularly includes estimating a maximum torque to be applied to the torque transmitting mechanism as the inputted torque, wherein the guideline producing step produces the first target operation guideline indicative of the transmitted torque capacity larger than the maximum torque applied to the torque transmitting mechanism, and including the remaining structure and controls of claim 69.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue


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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang  
Primary Examiner  
Art Unit 3681

April 20, 2006